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DATE: April 30, 2004

<b>To:</b>	<b>Fax:</b>	<b>Phone:</b>
Examiner Peter Hruskoci USPTO Group Art Unit 1724	703-872-9306	

<b>From:</b>	<b>Office Location:</b>	<b>Phone:</b>
Lindsay S. Adams, Esq.	New York	212-297-5800 ext. 5814

Client/Matter Number: 056516.098181

Number of pages including transmittal sheets: 4

The original will not be sent.

**Comments:**

U.S. Serial No. 10/040,142; Filed January 3, 2002  
Petition Under 37 C.F.R. §1.181

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056516.098181

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Joseph M. Kelly et al.

Serial No.: 10/040,142

Examiner: Peter Hruskoci

Filed: January 3, 2002

Art Unit: 1724

For: METHOD OF TREATING DREDGED MATERIAL

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**PETITION UNDER 37 C.F.R. §1.181  
(NON-FEE PETITION)**

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

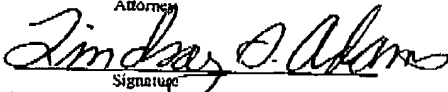
SIR:

Pursuant to §711.03(c)II of the Manual of Patent Examining Procedure,  
Applicants hereby Petition the Commissioner to "Withdraw Holding of Abandonment based on  
Failure to Receive Office Action."

I hereby certify that this correspondence is being transmitted  
with the United States Postal Service by facsimile to:  
Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450 on April 30, 2004.

Lindsay S. Adams

Attorney



Signature

April 30, 2004

Date of Signature

The Commissioner is hereby authorized to charge any additional  
fees which may be required, or credit any overpayment to  
Account No. 50-1145.

1176422A01043004

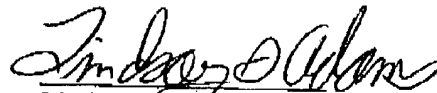
In support of this Petition, Applicants hereby submit the following:

- (1) the Office Action for the above-identified application was never received by our office;
- (2) a search of the file and the docket entries was conducted to locate the Office Action but no Office Action was found; and
- (3) an enclosed docket record for the above-identified case, where all correspondence to and from the U.S. Patent Office must be noted, clearly shows that the Office Action was never received.

In view of the above, Applicants request the grant of this Petition and that the time period for responding to the Office Action be restarted.

Applicants do not believe that any fee is due with this petition. However, if any fee is due, please charge such sums to our Deposit Account 50-1145.

Respectfully submitted,



Lindsay S. Adams  
Reg. No. 36,425

Attorney for Applicants

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1176422A01043004

## Country Application

Friday, April 30, 2004

Page: 1

Case Number: 056516-001

Country: US

SubCase: 0

Client: NUI ENVIROMENTAL GROUP, INC.

United States of America

Case Type: ORD

Application Status: Published

Invention Title: METHOD FOR TREATING DREDGED MATERIAL

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APR 30 2004

Application Number: 10/040,142

Filing Date: 03-Jan-2002

Publication Number: 03-0121863

Publication Date: 03-Jul-2003

Patent Number:

Issue Date:

Parent/PCT Number:

Parent/PCT Date :

Parent Issue Number:

Parent Issue Date :

Tax Schedule: LE

Expiration Date:

Confirmation #:

Patent Term Adjustment: 0

Agent:

Agent Reference #:

PHKS #: 098181

Matter: 098181

### Family Reference:

Remarks: 3/22/04 - Filed response to examiners phone conversation regarding O/A mailed to old address 711 Third Ave. enclosed docket report (see C: Drive for copy faxed under this client matter.  
2/23/04 - Notice of Recordation of Assignment document mailed from PTO - Assigned to Nui Capital Corp., recorded 7/31/03 at Reel/Frame: 014338/0814.  
11/28/03 - Notice of Recordation mailed from PTO. Assigned to: NUI Environmental Group; Recorded: 6/11/03; R/F: 014159/0135.  
7/29/03 - Assignment sent to PTO for recordation per LSA.  
7/3/03 - Notice of Publicaiton of Application mailed from PTO.  
6/9/03 - Assignment sent to PTO for recordation per LSA.  
5/9/02 - Updated Filing Receipt mailed from PTO.  
2/11/02 - Filing Receipt mailed from PTO. Group Art Unit: 1723.  
1/3/02 - Application sent to PTO for filing per MED.

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